



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,791	10/27/2000	Gregory L. Slaughter	5181-6500	6698

7590 02/25/2004

ATTEN: ROBERT C. KOWERT
CONLEY, ROSE, & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,791

Applicant(s)

SLAUGHTER ET AL

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3-7.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3622

FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

Art Unit: 3622

pertains. Patentability shall not be negated by the manner
in which the invention was made.

2. Claims 1-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lynch, 6,487,600 (Nov. 26, 2002) [US f/d: 8/09/1999] (herein referred to as "Lynch").

As per claim 1, Lynch (col. and col. 12, ll. 53-64) shows "*Merchants may purchase advertising . . . space on the network. . . .*"

Lynch (the ABSTRACT; col. 1, ll. 15-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-59; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 32, ll. 1-67; col. 33, ll. 1-67; col. 34, ll. 1-67; col. 35, ll. 1-67; col. 36, ll. 1-67; col. 37, ll. 1-67; col. 38, ll. 1-67; col. 39, ll. 1-67; col. 40, ll. 1-67; col. 41, ll. 1-67; and col. 42, ll. 1-50) reasonably suggests the advertising space marketing method of claim 1.

Lynch lacks an explicit recital of claim 1 even though Lynch reasonably suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that Lynch (the ABSTRACT; col. 1, ll. 15-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-63; col. 5, ll. 7-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1067; col. 9, ll. 1-

Art Unit: 3622

67; col. 10, ll. 1-67; col. 11, ll. 1-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-59; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67; col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; col. 31, ll. 1-67; col. 32, ll. 1-67; col. 33, ll. 1-67; col. 34, ll. 1-67; col. 35, ll. 1-67 col. 36, ll. 1-67; col. 37, ll. 1-67; col. 38, ll. 1-67; col. 39, ll. 1-67; col. 40, ll. 1-67; col. 41, ll. 1-67; and col. 42, ll. 1-50) would have been selected in accordance with claim 1 because claim 1 suffers from undue breadth and because selection of such features would have provided means so that *"Merchants may purchase advertising . . . space on the network. . . ."* (See Lynch (col. and col. 12, ll. 53-64)).

As per dependent claims 2-15, Lynch shows the method of claim 1 and subsequent base claims depending from claim 1.

Lynch lacks explicit recitation of the elements and limitations of claims 2-15, even though the disclosure of Lynch reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-15 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 2-15, because selection of such features would have provided means so that *"Merchants may*

Art Unit: 3622

purchase advertising . . . space on the network. . . .” (See Lynch (col. and col. 12, ll. 53-64)).

Independent claim 16 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 17-28, Lynch shows the method of claim 16 and subsequent base claims depending from claim 16.

Lynch lacks explicit recitation of the elements and limitations of claims 17-28, even though the disclosure of Lynch reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 17-28 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 17-28, because selection of such features would have provided means so that “*Merchants may purchase advertising . . . space on the network. . . .*” (See Lynch (col. and col. 12, ll. 53-64)).

Independent claim 29 is rejected for substantially the same reasons as independent claim 1.

Art Unit: 3622

As per dependent claims 30-39, Lynch shows the system of claim 29 and subsequent base claims depending from claim 29.

Lynch lacks explicit recitation of the elements and limitations of claims 30-39, even though the disclosure of Lynch reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 30-39 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 30-39, because selection of such features would have provided means so that “*Merchants may purchase advertising . . . space on the network. . . .*” (See Lynch (col. and col. 12, ll. 53-64)).

Independent claim 40 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 41-52, Lynch shows the system of claim 40 and subsequent base claims depending from claim 40.

Lynch lacks explicit recitation of the elements and limitations of claims 41-52, even though the disclosure of Lynch reasonably suggests same.

Art Unit: 3622

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 41-52 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 41-52, because selection of such features would have provided means so that *“Merchants may purchase advertising . . . space on the network. . . .”* (See Lynch (col. and col. 12, ll. 53-64)).

CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist

Serial Number: 09/698,791

(Slaughter et al.)

8

Art Unit: 3622

Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



John L. Young

Primary Patent Examiner

February 19, 2004